

REMARKS

The instant amendment is provided in an earnest effort to advance the prosecution of this case to issuance, and to consolidate the issues for appeal. In view of the amendments set forth above and the remarks that follow, reconsideration and allowance of the subject claims is respectfully requested.

Claim 1 (the immediately preceding version of which describes element (i) as "from 60% to 80%, by weight based on total weight, of a first oily component selected from the group consisting of coconut oil, sunflower oil, almond oil and mixtures thereof) has been amended to specify that coconut oil is present in the hair oil in an amount of at least 60% by weight. See Examples 1 to 4, all exemplifying hair oils containing 60% by weight of coconut oil. Claim 13 has also been amended to specify that coconut oil is present in the hair oil in an amount of at least 60% by weight. Claim 17 has been amended to identify the viscosity of the hydrocarbon oils as from 0.001 to 0.02 Pa.s. (see for example, page 4, lines 14 to 17).

Claims 1, 7, and 13 to 17 stand rejected under 35 U.S.C. 103(a) as unpatentable over:

EP '235 (EP 04546235) by itself;

EP '235 in view of Pavlin (U.S. 5,998,570) in further view of Jones (U.S. 5,116,607); and

DE 1035855 in view of Pavlin.

Applicants incorporate and repeat herein the arguments of record as regards the above-described rejections.

Pre- and post-wash oiling of hair is a habit that is widely practised by people across Central Asia and the Middle East. Hair oiling is done for the purpose of protecting hair during the wash process or for imparting manageability and styling, with

the most common oil used in these regions for hair oiling being coconut oil. Coconut oil, however, suffers from the disadvantage of imparting to hair what is commonly perceived as a greasy feel.

As amended, independent claims 1 and 13 require the subject compositions comprise at least 60% by weight coconut oil. Pursuant to this invention it has been found that in hair oils comprising relatively high levels of glyceride fatty esters, and coconut oil in particular, the incorporation of a light mineral oil as described by the subject claims results in a composition having both a less greasy feel, and improved penetration into the hair fiber. Compare the "greasy feel" data of Examples 1 to 4 (compositions within the scope of the claimed invention) with the Control (100% coconut oil). See also the fiber penetration data at page 9, comparing the retained fluorescence intensity (as a measure of penetration into the hair fiber) of Example 3 (110965 cps) with the Control (1722 cps).

EP '235 is directed to a method of treating the scalp to stimulate hair re-growth using at least three vegetable oils or fats with greatly differing saponification and iodine numbers. There is nothing in the citation that discloses or suggests the use of coconut oil at the levels of the amended claims let alone the benefits of the claimed combination of glyceride fatty esters and low viscosity hydrocarbon oil(s) in terms of providing hair treatment compositions having the more desirable sensory attribute of a less greasy feel, and improved fiber penetration properties. For the reasons of record, Applicants further maintain that the combination of high levels of coconut oil with a light mineral oil having the viscosity requirements of the subject claims is not disclosed or suggested by the prior art.

Pavlin is directed to gelling agents for low polarity liquids. Given the difference in the compositions therein disclosed, there is no reason why one skilled in the art would be motivated to combine Pavlin and EP '235. Moreover, even if combined, hair oils having the high levels of coconut oil described by the amended claims are not disclosed.

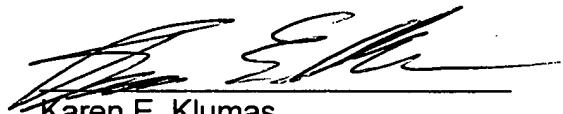
Jones discloses a hair treatment cream comprising petrolatum (light), polyethylene glycol (PEG), PEG-75 (a water soluble lanolin that is 50% aqueous), castor oil microcrystalline wax, paraffin wax, biotin, keratin, placenta, and polysorbate 80. The disclosed composition (which includes coconut and almond oil among its numerous components) contains significantly less than the 60-80% of glyceride fatty acid required by the subject claims which also require that coconut oil be present in an amount of 60% by weight. As with Pavlin, its combination with EP '235 is mere hindsight suggested only by the subject invention, and the resulting combination fails to disclose the invention herein claimed.

DE 1035855 teaches hair oil compositions containing 50% olive oil, 40% paraffin oil, 9% isopropylmyristate, 0.5% N-acetylcysteine isopropylester, and 0.5% N-salicylic methionine isopropyl ester. DE 1035855 does not teach hair oils containing high levels of coconut oil as required by the subject claims, the undesirably greasy feel associated with compositions containing high levels of coconut oil, or the addition of low viscosity hydrocarbon oils as a means of reducing greasy feel and improving the sensory characteristics of compositions with a high coconut oil content. Pavlin does not cure this deficiency.

In view of the foregoing, reconsideration and allowance of the subject claims, as hereby amended, is respectfully requested.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. E. Klumas', is written over a horizontal line.

Karen E. Klumas
Registration No. 31,070
Attorney for Applicant(s)

KEK:sc
(201) 894-2332